

By: Williams

S.B. No. 295

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the administration of polygraph examinations to certain
3 commissioned officers and noncommissioned employees of the
4 Department of Public Safety.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 411.007, Government Code, is amended by
7 amending Subsection (c) and adding Subsection (c-1) to read as
8 follows:

9 (c) An applicant for a position in the department must be a
10 United States citizen. An applicant may not be questioned
11 regarding the applicant's political affiliation or religious faith
12 or beliefs. The department may not prohibit an officer or employee
13 of the department, while off duty and out of uniform, from placing a
14 bumper sticker endorsing political activities or a candidate for
15 political office on a personal vehicle, placing a campaign sign in
16 the person's private yard, making a political contribution, or
17 wearing a badge endorsing political activities or a candidate.
18 Except as provided by Subsection (c-1), an [An] officer
19 commissioned by the department may not be suspended, terminated, or
20 subjected to any form of discrimination by the department because
21 of the refusal of the officer to take a polygraph examination.
22 Section 411.0074 does not authorize the department to require an
23 officer commissioned by the department to take a polygraph
24 examination.

1 (c-1) The department may:

2 (1) require a commissioned officer or noncommissioned
3 employee to take a polygraph examination if the officer or employee
4 is assigned to a position in which the officer or employee works
5 with a federal agency on a national security issue and the
6 examination is required by a federal agency; and

7 (2) remove from assignment or deny assignment to a
8 commissioned officer or noncommissioned employee who refuses to
9 take a polygraph examination required for a position involving a
10 joint state and federal investigation on a national security issue.

11 SECTION 2. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2007.